IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 3211 of 2007(G)

PETITIONER:

IBRAHIMKUTTY, S/O.NAGURKANI RAWTHER,
AGED 46, KOONAMKAVIL VEEDU,
VENCHEMPU P.O., PUNALUR.

BY ADV. SRI.S.SREEKUMAR
SRI.R.V.SUJIT KUMAR

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION,
KOTTARAKKARA.

2. AITUC, KANNAKODU WARD,
VETTIKKAVALA P.O., KOTTARAKKARA REPRESENTED
BY CONVENOR BIJU, BIVIN MANDIRAM,
VETTIKKAVALA P.O.

3. INTUC, KANNAMKKODU WARD,
VETTIKKAVALA P.O., KOTTASRAKKARA TALUK
REPRESENTED BY CONVENOR RAVIKUMAR,
KAVARAKIZHAKKETHIL VEEDU,
VETTIKKAVALA P.O.

4. CITU, KANNOMCODU WARD,
VETTIKKAVALA P.O., REPRESENTED BY
CONVENOR ANOJ, MYLADIYIL KOTTARAM,
KANNAMOKODU, VETTIKKAVALA P.O.

5. THE ASST.LABOUR OFFICER,
KOTTARAKKARA.

BY ADV. SRI.T.S.RAJASENAN
SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).3111/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LIST OF STUDENTS.

EXT.P2: COPY OF THE LETTER GIVEN TO THE SUB COLLECTOR, DEVIKULAM DATED 18.1.2007.

EXT.P2(A): COPY OF THE LETTER GIVEN TO THE PARENTS DATED 18.1.2007.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.3211 OF 2007 ()

Dated this the 6th day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. According to the petitioner, he has entered into an agreement with the 2nd respondent, Union for cutting and removing 1500 rubber trees. Already 400 rubber trees were removed on the basis of an agreement with the 2nd respondent Union. Petitioner wants a smooth removal of the trees. It is also submitted that the matter is pending before the Assistant Labour Officer. It is the case of the petitioner that several times conciliation is being adjourned. Petitioner is free to cut the rubber trees by his own workers because Head load Worker's act is applicable only to loading and unloading works. If the petitioner is willing and there is an agreement with the 2nd respondent, petitioner can engage them for cutting the rubber trees. Registration of workers is only for loading and unloading works and registered

head load workers cannot force a person and allot other works and it is for the employer to decide whom he should employ. However, for the loading and unloading works, the work should be distributed to the workers with identity cards belonging to respondent unions in equal proportions at the rate prevalent in the area. If unions are not willing to do the loading and unloading works at the existing rate, petitioner should be allowed to remove the trees by employing his own workers. The 1st respondent should see that law and order is maintained and work is carried out as above without prejudice to the labour disputes. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007